

CASE

NUMBER:

99-241

INDEX FOR CASE: 99-241UAC
GTE WIRELESS OF THE MIDWEST
Construct

CELL SITE - 876 MCCOY ROAD - DRY RIDGE, GRANT

IN THE MATTER OF THE APPLICATION OF SBA TOWERS, INC. AND GTE WIRELESS OF THE MIDWEST INCORPORATED FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY IN THE CINCINNATI-DAYTON MAJOR TRADING AREA WHICH INCLUDES BOONE KENTON, CAMPBELL GALLATIN, GRANT, PENDLETON, BRACKEN MASON, LEWIS, GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY

SEQ NBR	ENTRY DATE	REMARKS
0001	06/18/99	Application.
0002	06/24/99	Acknowledgement letter.
M0001	07/08/99	DONNA STEPHENSON CITIZEN-LETTER IN FAVOR OF SITE
0003	07/13/99	No deficiency letter.
0004	07/13/99	Response sent to Donna Stephenson.
M0002	07/16/99	BRENT RICE GTE WIRELESS-COPY OF RETURN RECEIPTS VIA CERTIFIED MAIL
M0003	07/29/99	GRANT CO PLANNING COMMISSION-MOTION FOR INTERVENTION
0005	08/11/99	Order granting intervention to Grant County Planning Commission
M0004	10/01/99	BECKY RUHOLL GRANT CO PLANNING COMM-RECOMMENDATIONS FOR CELL FACILITY
0006	11/02/99	FINAL ORDER GRANTING CONSTRUCTION



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-241 UAC
GTE WIRELESS OF THE MIDWEST

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on November 2, 1999.

See attached parties of record.

Stephanie J. Bell

Secretary of the Commission

SB/sa
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL. 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY. 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

John V. Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY. 41097

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
WIRELESS OF THE MIDWEST INCORPORATED)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY IN)
THE CINCINNATI-DAYTON MAJOR TRADING)
AREA ("MTA") WHICH INCLUDES BOONE,)
KENTON, CAMPBELL, GALLATIN, GRANT,)
PENDLETON, BRACKEN, MASON, LEWIS,)
GREENUP, CARTER, BOYD, ELLIOTT,)
LAWRENCE, JOHNSON, MARTIN, FLOYD, AND)
PIKE COUNTIES, KENTUCKY ("DRY RIDGE/01-)
1546 FACILITY"))

CASE NO.
99-241-UAC

O R D E R

On June 18, 1999, SBA Towers, Inc. ("SBA") and GTE Wireless of the Midwest Incorporated (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 876 McCoy Road, Dry Ridge, Grant County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 41' 44.05" by West Longitude 84° 35' 57.71".

SBA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, the Applicants submitted a uniform application to the Grant County Planning Commission ("Planning Commission"). The Planning Commission intervened in this matter but later filed notice of its approval of the uniform application. The Applicants filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments opposing the proposed construction have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SBA should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SBA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. SBA is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 876 McCoy Road, Dry Ridge, Grant County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 41' 44.05" by West Longitude 84° 35' 57.71".

2. SBA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 2nd day of November, 1999.

By the Commission

ATTEST:


Executive Director

Grant County Planning Commission

Grant County Courthouse – 101 North Main Street
Williamstown, Kentucky 41097

606 824 7770 – 606 824 7796 – www.grantcopz.com

RECEIVED
OCT 01 1999
PUBLIC SERVICE
COMMISSION

Kentucky Public Service Commission (KYPSC)
Attn: Helen C. Helton, Executive Director
730 Schenkel Lane
Frankfort, Kentucky 40602-0615

August 17, 1999

RE: Communications Services Facility – Case Number 99-241 UAC.

Dear Mrs. Helton:

The Grant County Planning Commission received an application from SBA Towers, Inc. / GTE Wireless (6001 Broken Sound Parkway 4th Floor – Boca Raton, FL 33487), to construct a communications facility (“tower”) at 876 McCoy Road, Dry Ridge, Grant County, Kentucky.

The Grant County Planning Commission met on September 27, 1999 to review SBA Towers, Inc. / GTE Wireless’s application and will make the recommendation of approval for this site with the following conditions:

1. The communications facility (“tower”) have a permitted height of 350 feet
2. The communications facility (“tower”) have at least one parking space.
3. The communications facility (“tower”) have all access drives and parking spaces paved with asphalt.
4. The communications facility (“tower”) use barbwire on the top of the 8 ft. fences
5. The communications facility (“tower”) have landscaping on all four sides of the compound.

Please see attached meeting minutes for more details on the public hearing for this communications facility (“tower”) at Dry Ridge.

Please contact me with any questions about the hearing or application for SBA Towers, Inc. / GTE Wireless.

Thank you,

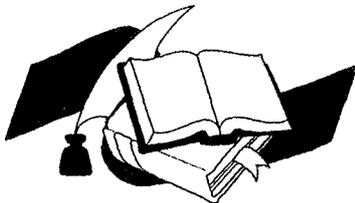
Becky Ruholl, Administrative Assistant
becky@grantcopz.com

GRANT COUNTY PLANNING COMMISSION

REGULAR MEETING

SEPTEMBER 27 1999

NOT YET APPROVED



NOT YET APPROVED

The September 1999 regular meeting of the Planning Commission was called to order by Chairman, John Lawrence at 7:00 p.m.

Those in attendance: Chairman, John Lawrence, Vernon Webster, Jim Weigel, Robert Worthington, Samuel Womble, Dudley Peddicord, Nick Kinman, William Covington, Marvin Faulkner, Brooke Wooton, Stephen Mann, Becky Ruholl, Ken Rylee and Ray Erpenbeck.

There was a quorum present.

ITEM 1: AUG 16 & AUG 23 MEETING MINUTES

Vernon Webster made a motion to approve the meeting minutes for Aug. 16, 99 and Aug. 23, 99., Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: SEPTEMBER 99 FINANCIAL REPORT

Stephen Mann made a motion to approve the September financial report, Robert Worthington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: TELECOMMUNICATIONS TOWER – SKYWAY DRIVE WILLIAMSTOWN – SBA/GTE

Chairman, John Lawrence declared the public hearing open at 7:07.

Sandra Keene, representing SBA, stating that they are requesting this application be withdrawn. She stated that Sprintcom and GTE are working to co-locate on the previously approved Sprintcom Williamstown site.

Chairman, John Lawrence declared the public hearing closed at 7:08.

Nick Kinman made a motion to indefinitely table this application, Robert Worthington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: TELECOMMUNICATIONS TOWER – MCCOY RD DRY RIDGE – SBA/GTE

Chairman, John Lawrence declared the public hearing open at 7:09.

Sandra Keene, representing SBA, stated that Sprintcom had already been approved for a site close to this one. She stated Sprintcom has agreed to co-locate on this tower and not build their approved tower. She stated that they were asking for 2 waivers. 1. that no landscaping be required and 2. the size to 350 ft.

The commission was concerned that this farmland would someday develop and they felt landscaping should be required. The also stated that the height of the fence should be 8ft. instead of 6ft.

Sandra Keene stated they did not have a problem with those items.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:16.

Sam Womble made a motion to approve the application with the waiver allowing the height to be 350 ft., Robert Worthington seconded the motion. A roll call vote was taken: Vernon Webster: yes, Jim Weigel: yes, Robert Worthington: yes, Samuel Womble: yes, Dudley Peddicord: yes, Nick Kinman: yes, William Covington: yes, Marvin Faulkner: yes, Brooke Wooton: yes, Stephen Mann: yes. Motion passes.

ITEM 5: ZONE CHANGE – A1 TO R1 – GERALD & LOIS PENICK – WARSAW RD.

Chairman, John Lawrence declared the public hearing open at 7:18. He stated the request was to rezone 7.1611 acres on Warsaw Rd. from A1 to R1. All fees were paid and notices were given.

Craig Moore was present representing the applicant. He stated the request was to create 1 acre lots.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:21.

Stephen Mann made a motion to approve the request, Dudley Peddicord seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 6: ZONE CHANGE – A1 TO R1 – LARRY BROWN – NAPOLEON ZION STATION RD.

Chairman, John Lawrence declared the public hearing open at 7:25. He stated the request was to rezone 2.7796 acres on Napoleon Zion Station Rd. from A1 to R1. All fees were paid and notices given.

Larry Brown, applicant stated that he planned to keep his house and 2.7796 acres and sell the rest of his property to the adjoining property owner.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:27.

Sam Womble made a motion to approve the request, Brooke Wooton seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: ZONE CHANGE – A1 TO R1 – KEVIN FULKS – VERONA MT. ZION RD.

Chairman, John Lawrence declared the public hearing open at 7:28. He stated the request was to rezone 1.1786 acres on Verona Mt. Zion Rd. from A1 to R1. All fees were paid and notices given.

Kevin Fulks, applicant stated that he wanted to sell his house and 1 acre and keep the rest of his farm.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:29.

Nick Kinman made motion to approve the request, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: ZONE CHANGE – I1 TO HC – GREG FRANKS – HWY. 25 WILLIAMSTOWN

Chairman, John Lawrence declared the public hearing open at 7:32. He stated the request was to rezone 7 acres on Hwy. 25 in Williamstown from I1 to HC.

Greg Frank, applicant stated that the request was made to allow restaurants and hotels to be located on the property. He showed the commission a concept plan.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:40.

Nick Kinman made a motion to approve the request, Jim Weigel seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: PLATS AND SITE PLANS

BRENTWOOD SECTION 3 – IMPROVEMENT PLAT – TABLED FROM LAST MONTH

Chairman, John Lawrence read a letter from Erpenbeck Engineers recommending approval with the following conditions: 1. the concrete anchors be added to sanitary sewer lines between manhole 40 & 41 and manholes 18 and 48 or that the slope be set at a grade of less than 20%. 2. the waiver be granted per section 8.5 a of the sub regs for the following grade requirement son centerline of Steven Court at intersection with Redwood DR. – a. the maximum permitted grade on Steven Ct. be increased from 4.0 % to 6.0 % from sta 0+10 to sta 0+40 (section 6.1d) b. the minimum length of the grade required to be reduced from 75 ft. to 30 ft. (section 6.1d) c. the minimum length of the vertical curve be reduced from K=15 (90ft.) to a K=10 (60 ft.) (section 6.0 e(4)).

Logan Murphy stated that condition #1 was already taken care of.

The commission question the issue of the connector road from Brentwood Subdivision to what is now the Wal-Mart property.

David Wallace, attorney for Mr. Caddell (developer), stated that the condition put on the preliminary plat was that Mr. Caddell provide a 250 ft. construction easement and an easement for the road and he plans on doing so when the final plat is submitted for lots 78 & 79. He also stated that the lot numbers have changed from the preliminary plat but that the location of 78 & 79 has not been submitted as a final plat yet.

Chairman, John Lawrence read a letter from Ray Erpenbeck stating that the agreement was to proved a construction easement and an easement for the road when lots 78 & 79 were submitted at final plats.

The Commission question who would build the connector road.

Mr. Wallace stated that they would build the road on their property but could not build the road on someone elses property.

The Commission asked if the City was OK with the grade on Stephens Court.

Ray Erpenbeck explained exactly what the change would be and stated it would be fine because there were only 6 lots on the cul-de-sac.

Mr. Cull, mayor of Dry Ridge, stated that he didn't think there would be a problem with the city maintaining this road.

Marvin Faulkner asked if Stevens Ct. was on the preliminary plat.

Logan stated that it was not. He stated that they had shortened the horseshoe rd and put in this cul-de-sac in order to preserve some of the trees and they also reduced the number of lots by 2.

Stephen Mann made a motion to approve the plat with the 3 waivers, Sam Womble seconded the motion. A hand vote was taken, Vernon Webster, Robert Worthington, Sam Womble, Dudley Peddicord, Marvin Faulkner, Stephen Mann and Jim Weigel voting in favor of the motion. Nick Kinman, William Covington and Brooke Wooton voting against the motion. Motion passes.

DEER RUN SECTION 3 – IMPROVEMENT PLAT

Chairman, John Lawrence read a letter from Ray Erpenbeck recommending approval with the following conditions: 1. the right-of-way width be increased from 54 ft. to 60ft. 2. waiver be granted to not require sidewalks.

Mr. Erpenbeck stated that in the sub regs it said that if the street had ditched the houses must be set back 50ft. from the right-of-way.

Nick Kinman made a motion to approve the plat with the conditions, Dudley Peddicord seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

CULL LN – PRELIMINARY PLAT

Chairman, John Lawrence read a letter from Erpenbeck recommending disapproval for the following reasons: 1. plat shows right-of-way encroaches onto property owned by William C Wilson and M&Z corporation. The applicant cannot dedicate to public use the required right-of-way in those areas. 2. the actual pavement

encroached upon the property of William C Wilson and M&Z corp. 3. the fire hydrant spacing does not meet the maximum spacing of 500 ft. 4. public water is not proposed to service 3 lots.

Mr. Cull stated that water was to those lots and city planned to add more fire hydrants as the property developed.

Mr. Erpenbeck stated that that needs to be shown and the plat could be approved conditionally that they show the water and the right-of-way is fixed.

Jeff Shipp, attorney for Mr. Cull, stated that this road had been open to the public for more than 5 years and KRS states that if the City wishes to take this street over they can and there doesn't have to be any easement or dedication. He stated that they will work to get proper dedication but that if it is publicly use for 5 years it is agreed that the city can take over the property for the road.

Nick Kinman made a motion to approve the plat with the conditions, Robert Worthington seconded the motion.

Jeff Shipp asked if it would meet the condition if city took over the road because it had been open for 5 years and KRS states that they can take it over.

Mr. Erpenbeck, Mr. Rylee and the Commission agreed that this would meet the condition.

A hand vote was taken, all members in attendance voting in favor of the motion, motion passes.

CHERRY HILL MOBILE HOMES – SITE PLAN

Chairman, John Lawrence read a letter from Erpenbeck recommending approval with the following conditions: 1. applicant submit separate application for any signage 2. grant waiver to not require sidewalks along Theater DR.

Mr. Wilson stated that the site would be only for display of home and they would only be changed 1 time a year.

Sam Womble made a motion to approve the plat, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

HAMPTON INN – SITE PLAN

Chairman, John Lawrence read a letter from Erpenbeck recommending approval with the following conditions: 1. a final plat meeting all requirements including dedication of right-of-way of cull lane from north property line of Hampton Inn to Ky 22 be approved and recorded in Clerks office. 2. waiver be granted to not require sidewalks along cull ln.

Mr. Erpenbeck stated that in order to speed the development up that the commission allow the Chairman to sign off on the final plat when it is approve by Mr. Erpenbeck. The commission agreed.

The Commission discussed a sidewalk connecting the Hampton Inn to Shoney's property.

Nick Kinman made a motion to approve the plat with the conditions and if the City wants a sidewalk along Cull Ln. that the developer will pay for it and that a sidewalk be placed a long the road connecting Hampton Inn and Shoneys. William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 10 INTERIM ZONING ADMINISTRATOR

Marvin Faulkner made a motion to appoint Becky Ruholl as interim zoning administrator, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Robert Worthington made a motion to adjourn, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

September 27, 1999

NICK KINMAN, SECRETARY - DATE



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

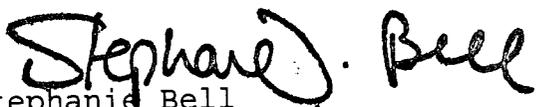
August 11, 1999

To: All parties of record

RE: Case No. 99-241 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,


Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY 40507 1361

John V. Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY 41097

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
WIRELESS OF THE MIDWEST INCORPORATED)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY IN)
THE CINCINNATI-DAYTON MAJOR TRADING) CASE NO.
AREA ("MTA") WHICH INCLUDES BOONE,) 99-241-UAC
KENTON, CAMPBELL, GALLATIN, GRANT,)
PENDLETON, BRACKEN, MASON, LEWIS,)
GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE,)
JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES,)
KENTUCKY ("DRY RIDGE/01-1546 FACILITY"))

O R D E R

This matter arising upon the motion of the Grant County Planning Commission ("Planning Commission"), filed July 29, 1999, for full intervention, and it appearing to the Commission that the Planning Commission has a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of the Planning Commission to intervene is granted.

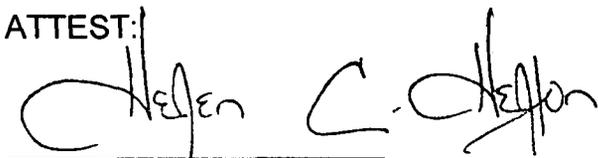
2. The Planning Commission shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should the Planning Commission file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 11th day of August, 1999.

By the Commission

ATTEST:



Executive Director

Grant County Planning Commission

Grant County Courthouse - 101 North Main Street
Williamstown, Kentucky 41097
606 824 7770 - 606 824 7796 - www.grantcopz.com

RECEIVED
JUL 29 1999
PUBLIC SERVICE
COMMISSION

Kentucky Public Service Commission (KYPSC)
Attn: Helen C. Helton, Executive Director
730 Schenkel Lane
Frankfort, Kentucky 40602-0615

July 27, 1999

RE: Cell Tower for Case Number 99-250 UAC (The Crittenden/01-1545 Facility)
Cell Tower for Case Number 99-241 UAC (The Dry Ridge/01-1546 Facility)
Cell Tower for Case Number 99-244 UAC (The Wmstown/01-1549 Facility)
Cell Tower for Case Number 99-253 UAC (The Corinth/01-1548 Facility)
Cell Tower for Case Number 99-286 UAC (The Mason/01-1547 Facility)

Dear Mrs. Helton:

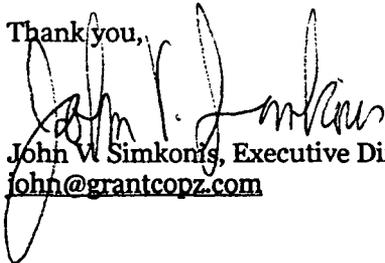
The Grant County Planning Commission would like to make a Motion to Intervene with regards to the above cases. The utility company representing these applications has not made any attempt to conform to the local codes regarding cell towers for Grant County, Kentucky.

I wanted to make sure that the Grant County Planning Commission had sent a statement regarding these towers before our 60 days were up to respond to these issues. The commission will meet on August 16, 1999 to hold a public hearing on the matter (still within 60 days to respond), I will be sending you our recommendations on August 17.

I hope that the Public Service Commission will not accept these applications as complete without allowing said utility company to meet all local codes.

Please call me with any questions.

Thank you,


John W. Simkoms, Executive Director
john@grantcopz.com



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 13, 1999

To: All parties of record

RE: Case No. 99-241 UAC
GTE WIRELESS OF THE MIDWEST

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/sh
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL. 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY. 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

July 13, 1999

Ms. Donna Stephenson
875 McCoy Road
Dry Ridge, KY 41035

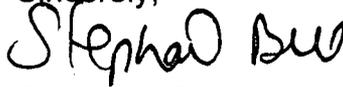
Re: Case No. 99-241UAC

Dear Ms. Stephenson:

The Commission is in receipt of your letter concerning the above application for approval to construct a cell facility. The Commission will carefully analyze this application before rendering its final decision. If you wish to intervene in this matter, you must notify the Commission in writing. However, please be advised that property rights issues are not within the scope of the Commission's jurisdiction.

It may be helpful for you to know that authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Thank you for your interest and concern in this matter.

Sincerely,

Stephanie Bell
Secretary of the Commission

/rlm



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Donna Stephenson
875 McCoy Road
Dry Ridge, KY 41035
July 7, 1999

RECEIVED
JUL - 8 1999
PUBLIC SERVICE
COMMISSION

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 99-241 UAC

Dear Sir:

I favor granting a certificate of Public Convenience and Necessity to construct and operate a wireless communication facility to SBA Towers Inc, and GTE Wireless of the Midwest Incorporated at 876 McCoy Road, Dry Ridge, Grant County, Kentucky.

All too often here in this rural county when a wireless call is initiated there is a great deal of competition for connections at the tower, and the person trying to make a call receives a busy signal, or has their call interrupted in mid call.

Additional towers will better serve the needs of rural Kentuckians, and provide us here in Grant County with the quality of wireless service that those who live in the urban areas have had for a long time.

Also, additional towers will add to competition between companies, and lead to lower costs for the consumer.

I hope you will look favorably upon this application.

Sincerely,

Donna Stephenson



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

June 24, 1999

To: All parties of record

RE: Case No. 99-241 UAC
GTE WIRELESS OF THE MIDWEST, INC.
& SBA TOWERS, INC.
(Construct) CELL SITE – 876 MCCOY ROAD – DRY RIDGE, GRANT

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received June 18, 1999 and has been assigned Case No. 99-241 UAC. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc



•Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
6001 Broken Sound Parkway, 4th Floor
Boca Raton, FL. 33487

SBA Towers, Inc.
2320 Valletta Lane
Louisville, KY. 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

FOR THE PUBLIC RECORD
COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 18 1999

PUBLIC SERVICE
COMMISSION

FILED

JUN 18 1999

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
WIRELESS OF THE MIDWEST INCORPORATED)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY IN)
THE CINCINNATI-DAYTON MAJOR TRADING)
AREA ("MTA") WHICH INCLUDES BOONE) CASE NO. 99-241 UAC
KENTON, CAMPBELL GALLATIN, GRANT,)
PENDLETON, BRACKEN MASON, LEWIS, GREENUP,)
CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON,)
MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY)
("DRY RIDGE/01-1546 FACILITY"))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction is 876 McCoy Road, Dry Ridge, Grant County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

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163 WEST SHORT STREET

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606-231-8780

FACSIMILE 606-231-6518

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OSCAR SAMMONS (1908-1985)

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606-473-7303
FACSIMILE 606-473-9003

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BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
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W. TERRY McBRAYER
JOHN R. MCGINNIS
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WILLIAM D. KIRKLAND
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JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
CHRISTOPHER M. HILL
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
JULIE A. COBBLE
MELINDA G. WILSON
MARY ELIZABETH CUTTER
LINDA J. WEST
JARON P. BLANDFORD

June 16, 1999

RECEIVED
JUN 17 1999
PUBLIC SERVICE
COMMISSION

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: **Case Number 99-241 UAC**
SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated
(Dry Ridge 01-1546 Facility)

Dear Ms. Bell:

This letter is to follow up my request for a case number on June 16, 1999. The application is on behalf of SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated for a cell site located at 876 McCoy Road, Dry Ridge, Grant County, Kentucky. I was given Case Number 99-241 UAC. We intend to file the application no later than June 22, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw